

**REMARKS**

Applicants have carefully reviewed this Application in light of the Final Office Action mailed November 18, 2005. Claims 9-10, 16-17, 34-35, 38, 40-42, 52-53, 59-60, 77-78, 81, 83-85 and 100-101 were previously cancelled without prejudice or disclaimer. Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 are pending in this Application. Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79-80, 82 and 86-99 stand rejected under 35 U.S.C. § 103. Applicants have amended Claims 1, 44 and 87 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

**Rejections Under 35 U.S.C. § 103**

Claims 1-8, 11-12, 14-15, 18, 24-29, 32-33, 36, 44-51, 54-55, 57-58, 61, 67-72, 75-76, 79, 87-88, 90-92, 94 and 96-98 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,327,486 issued to Richard S. Wolff et al. ("*Wolff*"), and also over U.S. Patent 6,373,817 issued to Fen-Chung Kung et al. ("*Kung*").

Claims 13, 37, 56, 80 and 93 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wolff* and *Kung*, and also over U.S. Patent No. 5,758,280 issued to Misa Kimura ("*Kimura*").

Claims 19-23, 30-31, 39, 43, 62-66, 73-74, 82, 86, 89, 95 and 99 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wolff* and *Kung*, and also over U.S. Patent No. 5,933,778 issued to Michael Buhrmann et al. ("*Buhrmann*").

*Wolff* discloses a method and system for managing telephone calls utilizing two-way wireless or wireline messaging.

*Kung* discloses methods for routing Internet broadband communications between or among users no matter where the called party may be. A chase me system provides alternative routing for multimedia communication to a user based on a chase me schedule. (Col. 3, Lines 57-62). The user may identify an address for an IP or telephone communication and details of a schedule for receiving communications at different addresses. (Col. 34, Lines 22-25).

Claim 1, as amended, recites a method comprising the step of “transmitting, from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication.”

Claim 44, as amended, recites a computer program product cable of “transmit[ing], from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication.”

Claim 87, as amended, recites a system capable of “transmitting, from the mediation subscriber communication device for reception by the mediation system, data including the selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication.”

Applicants respectfully submit that the cited references fail to disclose every element of Applicants’ invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Wolff* and *Kung*. *Wolff* and *Kung*, alone or in combination, fail to teach at least “transmitting, from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited by amended Claim 1. Additionally, *Wolff*

and *Kung* fail to teach a computer program product capable of enabling a mediation subscriber device to “transmit[ing], from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited by amended Claim 44. Further, *Wolff* and *Kung* fail to teach or suggest a system for facilitating mediated virtual communication capable of “transmitting, from the mediation subscriber communication device for reception by the mediation system, data including the selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited by amended Claim 87.

The Examiner specifically asserts that:

*Kung* discloses that the user’s availability status may be communicated by the mediation system to the calling party, for example, when the called party is not at the location called by the calling party (for example, see column 37, lines 5-61). *Kung* thus teaches receiving and displaying an availability selector used to designate the availability status of a first party, whereby this availability status is transmitted to a mediation system and communicated to a second party, and whereby the availability status indicates an availability of the first party for receiving an incoming communication at the mediation subscriber’s communication device, as is express in claims 1-8 and 36.

(Office Action, Page 5). However, column 37, lines 5-16 merely discloses that a daughter calling home may be informed via announcement server 220 that “1) the family is asleep, 2) her father is at home, 3) the system will attempt to alert her father only or 4) would she want to leave a message instead.” Additionally, *Kung* discloses the calling party may be alerted that the user is not at the called location but is at another location. (Col. 37, Lines 41-49). The calling party is informed that the announcement server 220 that only plays pre-recorded and/or predetermined announcements, such as information entered by a user to leave a message, type-in a chat note, page the called party, and barge-in on the call. (Col. 10, Lines

46-63). *Kung*, however, fails to disclose “transmitting, from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited, for example, by amended Claim 1. The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claims 1, 44 and 87.

Given that Claims 2-8, 11-15, 18-33, 36, 37, 39 and 43 depend from Claim 1, Claims 45-51, 54-58, 61-76, 79, 80, 82 and 86 depend from Claim 44 and Claims 88-99 depend from Claim 87, Applicants submit that Claims 2-8, 11-15, 18-33, 36, 37, 39, 43, 45-51, 54-58, 61-76, 79, 80, 82, 86, 88-99 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99.

**CONCLUSION**

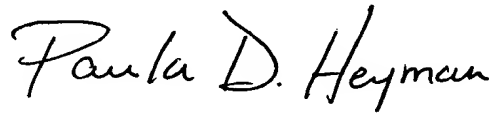
Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 as amended.

Applicants believe there are no fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,

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